

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**ANDRES RAMIREZ, and
RICKY HERNANDEZ,**

Plaintiffs,

v.

J.B. PRITZKER, *et al.*,

Defendants.

Case No. 23-cv-01850-SPM

MEMORANDUM AND ORDER

MCGLYNN, District Judge:

This matter is before the Court for case management purposes. Plaintiffs Ramirez and Hernandez, inmates incarcerated within the Illinois Department of Corrections, commenced this action on May 31, 2023, by filing a signed Complaint. (Doc. 1). Upon filing, Plaintiffs were instructed that they had thirty days to submit a filing fee of \$402.00 or file motions to proceed without prepayment of the filing fee. (Doc. 2). Plaintiffs were warned that failure to pay the filing fee or submit a motion to proceed without prepayment by the thirty-day deadline would result in dismissal of this case. On the same day, the Clerk of Court instructed Plaintiffs to file a form indicating their consent or declination to proceed before a magistrate judge by June 21, 2023. (Doc. 3). Both deadlines passed, and Plaintiffs did not follow the Court's instructions. The Clerk entered a notice, extending the deadline for Plaintiffs to file their consent or declination forms and advising Plaintiffs that failure to do so could result in possible sanctions. (Doc. 4). Again, the deadline expired without Plaintiffs filing the required forms.

On July 5, 2023, the Court entered a Notice of Impending Dismissal. (Doc. 5). The Court informed Plaintiffs that they had until July 19, 2023, to file the forms indicating consent or

declination to proceed before a magistrate judge and to either pay the filing fee for this case or each file a motion for leave to proceed *in forma pauperis* (“IFP”). The Court informed Plaintiffs that failure to comply with the Notice of Impending Dismissal would result in dismissal of this action for want of prosecution and/or failure to comply with a court order under Federal Rule of Civil Procedure 41(b) without further notice. Plaintiffs were advised that each Plaintiff must sign documents for himself in accordance with Federal Rule of Civil Procedure 11(a).

Plaintiff Hernandez has filed the required form regarding consenting or declining to consent to magistrate judge jurisdiction as well as a motion for leave to proceed IFP and a motion for appointment of counsel. (Doc. 6, 7, 8). Plaintiff Ramirez, however, has not filed a motion to proceed IFP or the required consent or declination form. Nor has he filed a motion requesting an extension. Therefore, Plaintiff Ramirez and his claims are **DISMISSED** from the case without prejudice for failure to comply with an order of this Court and for failure to prosecute his claims. *See* FED. R. CIV. P. 41(b); *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994). *See also Boriboune v. Berge*, 391 F.3d 852, 855–56 (7th Cir. 2004) (in a multiple plaintiff prisoner case, each prisoner proceeding *in forma pauperis* is required to pay the statutory filing fee of \$350). The Clerk of Court is **DIRECTED** to terminate Andres Ramirez as a party on the docket sheet.

IT IS SO ORDERED.

DATED: July 26, 2023

s/Stephen P. McGlynn
STEPHEN P. MCGLYNN
United States District Judge